

SENATE BILL NO. 402

BY SENATOR RISER

1 AN ACT

2 To enact R.S. 48:35.1, relative to roads and highways in this state; to provide relative to  
3 reflective glass markings on streets, roads, or highways; and to provide for related  
4 matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 48:35.1 is hereby enacted to read as follows:

7 **§35.1. Reflective Glass Highways Markings; minimum standards**

8 **A. The Legislature finds and declares the following:**

9 **(1) Inorganic arsenic is a hazardous substance and is recognized by the**  
10 **United States Environmental Protection Agency and the United States**  
11 **Occupational Health and Safety Administration as a human carcinogen.**

12 **(2) Release of this substance to the environment may lead to**  
13 **contamination of soil and water, and the ingestion or inhalation of soil, water,**  
14 **plant material, or animal tissues contaminated with inorganic arsenic may lead**  
15 **to lung cancer, damage to the nervous system, or, in extreme cases, death from**  
16 **systemic poisoning.**

17 **(3) Reflective glass beads are used to reflect light when applied to street,**  
18 **road, or highway markers.**

19 **(4) Glass beads that contain more than 75 parts per million of inorganic**  
20 **arsenic may represent a danger to workers who handle and apply them and a**  
21 **contamination potential to soil and water surrounding streets, roadways, or**  
22 **highways.**

23 **(5) It is in the public interest to prohibit the manufacture, sale, or use**  
24 **of glass beads used to reflect light when applied to markings on streets,**  
25 **roadways, or highways in this state if those beads contain more than 75 parts**  
26 **per million of inorganic arsenic.**

27 **B. The department, any local, municipal or parish governing authority,**

1        or any political subdivision of this state shall not place any markings made with  
2        paint that has been mixed, in whole or in part, with reflective glass beads  
3        containing more than 75 parts per million of inorganic arsenic as determined  
4        using EPA Method 6010B in conjunction with EPA Method 3052 for sample  
5        preparation, on or along any street, road, or highway in this state under their  
6        jurisdiction.

7                C. (1) No person shall manufacture, sell, offer for sale, or offer for  
8        promotional purposes in this state reflective glass beads that are used to reflect  
9        light when applied to markings on streets, roadways, or highways in this state  
10       if those glass beads contain inorganic arsenic in more than 75 parts per million  
11       as determined using EPA Method 6010B in conjunction with EPA Method 3052  
12       for sample preparation.

13               (2) Any person who violates this Section shall be subject to a civil penalty  
14       of not less than five hundred dollars nor more than one thousand dollars for  
15       each violation. If the violation is of a continuing nature, each day during which  
      it continues constitutes an additional, separate, and distinct offense.

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PRESIDENT OF THE SENATE

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_